

REMARKS

The Examiner rejected claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over Do in view of Takahashi. The Examiner rejected claims 6-9 under 35 U.S.C. §103(a) as being unpatentable over Do in view of Takahashi and further in view of Bian. The Examiner states that Do teaches that a spacer layer can be formed from material such as chromium. The Examiner points to col. 8, lines 28-36 of Do as an example of a chromium spacer layer. The Applicant respectfully traverses the Examiner's contention.

The claims of the above entitled application recite an S1 magnetic layer, a layer of ruthenium, a top magnetic layer, and a separate layer consisting of chromium. Although Do discloses separate magnetic layers and a layer of ruthenium, this reference does not disclose or suggest a layer consisting of chromium that is separate from the ruthenium layer. Col. 3, lines 60-62 of Do state that the spacer layer can be ruthenium, chromium, rhodium, etc. Do then provides a specific example of using ruthenium. Do also suggest that the spacer layer can be chromium (col. 8, lines 32-36). Do does not disclose separate layers of ruthenium and chromium as recited in the claims of the above entitled application. Additionally, Do does not suggest that a portion of the chromium layer is located between the grains of the top magnetic layer as recited in the claims. Do does not disclose or suggest that the chromium within the CoPtCrB alloy comes from a layer consisting of chromium. The Applicant believes that the Co alloys are constructed without an infusion process wherein a portion of a chromium layer becomes located between the grains of the magnetic layer.

Do does not disclose separate ruthenium and chromium layers. Additionally, Takehashi does not disclose the use of separate ruthenium and chromium layers. Consequently, the combination of Do and Takehashi, or the combination of Do, Takehashi and Bian do not create a

prima facie of unpatentably. All of the claim limitations must be taught or suggested to establish a *prima facie* case of obviousness. MPEP §2143.03.

In view of the above, it is submitted that the claims are in condition for allowance.

Reconsideration of the rejections is requested. Allowance of claims 1-4 and 6-9 at an early date is requested.

Respectfully submitted,

IRELL & MANELLA LLP

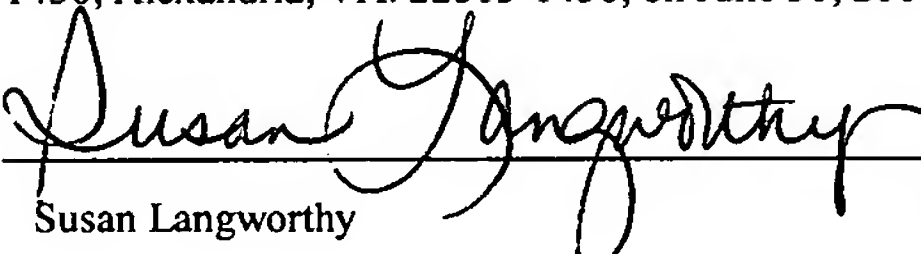

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Michelle E. Armond, Reg. No. 53,954

840 Newport Center Drive
Suite 400
Newport Beach, CA 92660
Telephone: (949) 760-0991

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the U.S. Mail, First Class, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, on June 30, 2006.

 
Susan Langworthy Date